

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/746,192		
	Filing Date	December 21, 2000	
	First Named Inventor	James A. Parker	
	Group Art Unit	2876	
	Examiner Name	Thien Minh Le	
Total Number of Pages in This Submission	10	Attorney Docket Number	283-205.03 Con

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☒ Amendment / Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)
(please identify below):

One check for \$970 (Request for Continued Examination Fee and Information Disclosure Statement Fee), PTO/SB/30 Request for Continued Examination Transmittal (1 pg.), PTO/SB/08A (1 pg.), One copy of cited reference AA and return mail room postcard.

- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
 - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Wall Marjama & Bilinski LLP George S. Blasiak	Reg. No. 37,283
Signature		
Date	April 4, 2005	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail (Express Mail Label No. EV561776065US) in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: April 4, 2005

Typed or printed name	Barbara A. Saltsman	
Signature		Date April 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818). U.S. PATENT AND TRADEMARK OFFICE For FY 2005		Complete if Known	
Application Number		09/746,192	
Filing Date		December 21, 2000	
First Named Inventor		James A. Parker	
Examiner Name		Thien Minh Le	
Art Unit		2876	
Attorney Docket No.		283-205.03 Con	
TOTAL AMOUNT OF PAYMENT		\$970.00	
Express Mail Label EV561776065US			

METHOD OF PAYMENT (check all that apply)

☒ Check
 ☐ Credit Card
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☒ Deposit Account
 Deposit Account Number: 50-0289
 Deposit Account Name: Wall Marjama & Bilinski LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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 ☐ Charge fee(s) indicated below, **except for the filing fee**
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 of fee(s) under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES							Small Entity
Fee Description							Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent							50
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent							200
Multiple dependent claims							360
Total Claims		Extra Claims		Fee (\$)		Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP =			x	=			Fee (\$)
HP= highest paid number of total claims paid for, if greater than 20							Fee Paid (\$)
Indep. Claims		Extra Claims		Fee (\$)		Fee Paid (\$)	
- 3 or HP =			x	=			
HP = highest number of independent claims paid for, if greater than 3							

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a) (1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof	Fee (\$)		Fee Paid (\$)
- 100 =		/ 50 =		(round up to a whole number)	x	=	

4. OTHER FEES

Non-English Specification, \$130 fee (no small entity discount)		Fees Paid (\$)
Other: Request for Continued Examination Fee and Information Disclosure Fee	\$970.00	

SUBMITTED BY

Signature	<i>George S. Blasiak</i>	Registration No. 37,283 (Attorney/Agent)	Telephone 315-425-9000
Name (Print/Type)	George S. Blasiak		Date April 4, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time your require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/328,939

12/23/2002

Andrew Longacre JR.

283-361.01

7049

7590

02/09/2005

Joseph B. Milstein
Wall Marjama & Bilinski LLP
Suite 400
101 South Salina Street
Syracuse, NY 13202

EXAMINER

LE, THIEN MINH

ART UNIT

PAPER NUMBER

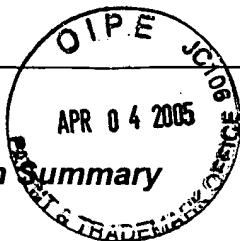
2876

DATE MAILED: 02/09/2005

RECEIVED
FEB 12 2005

WALL MARJAMA & BILINSKI LLP

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/328,939

Applicant(s)

LONGACRE ET AL.

Examiner

Thien M. Le

Art Unit

2876

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-58 and 63-91 is/are rejected.
- 7) ☒ Claim(s) 59-62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2876

DETAILED ACTION

The amendment filed on 5/26/2004 has been entered. The information disclosure statements filed on 5/26/2004; 7/23/2004; and 11/8/2004 have been entered. Claims 1-53 have been canceled. Claims 54-91 are presented for examination.

Specification

Substitute specification has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2876

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 54-58, and 63-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tani et al. (herein after referred as Tani – 6,011,880; newly cited) in view of Koenck et al. (herein after referred as Koenck – 5,837,987).

Regarding claim 54, Tani discloses a hand-held bar code reader comprising: a CCD 43, and an A/D converter 9 which is used for converting each signal representing an amount of light incident to each of said plurality of pixels into an m-bit digital data, wherein m is greater than one. According to Tani, the image signal (analog) output by CCD 43 is amplified by an amplifier 8 and fed to the A/D converter 9 where it is converted into an 8 bit digital image signal (having 256 steps of gradation). The amplified image signal (analog) is also transmitted to the terminal 21. A CPU 15 is used to decode the converted digital values.

The claim differs in calling for a linear image sensor. However, this claimed limitation is noted new. Reference to Koenck is cited as an evident the use of linear image sensors (13a, 13b, 13c, see Figures 13-15 and their descriptions) in bar code scanning systems. Thus, it would have been obvious to use a linear image sensor in

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the system as taught by Tani. The modification extends the application of Tani's teachings to other type of bar code reader utilizing one dimensional image sensor.

Regarding claim 55, see the discussions regarding claim 1. Further, the scanner as taught in Tani decodes scanned signal in real time.

Regarding claim 56, Tani shows in figure 3 a main memory 12 and a non-volatile memory 13 for storing data which would thus embrace all limitations set forth in this claim.

Regarding claim 57, see figure 1 of Tani for computer 32 comprising a processor which is considered as the claimed external processor.

Regarding claim 58, Tani discloses m can take a value of 8 or 16 which thus would embrace the limitations set forth in this claim.

Regarding claims 63-64, see the discussions set forth above.

Regarding claim 65, Tani shows in figure 1 a CCD drive circuit 6 and a Synchronous Signal Generation circuit 7 which would embrace all limitations set forth in this claim.

Regarding claim 66, see figure 1 of Tani for display 20 and monitor 33.

Regarding claim 67, Tani fails to disclose the specifics of the display and the monitor. However, it would have been obvious to use a liquid crystal display having the claimed characteristics in Tani's system. The modification is considered as replacing one type of display/monitor with another without changing the underlying inventiveness concepts of Tani; and also is well within the skill levels and expectations of an ordinary skilled artisan.

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Regarding claims 68-69, see figure 1 of Tani for I/O terminal 21, and a cable 34 for connecting to peripheral devices. In light of the use of the cable 34, the examiner is of the view that the terminal 21 is a RS-232 port.

Regarding claims 70-71, see the discussions above. The claims differ in calling for a beeper, or an enunciator for signaling a user. However, this claimed limitation is not new. Official Notice is taken of the use of beeping or enunciating devices in commercially available scanning systems which can readily be found in department stores, retails and groceries stores. Thus, though Tani is silent about the use of a beeper or an enunciator, an ordinary skilled artisan would readily found that implementing such a device in Tani's reader would enhance the overall performance of the system.

Regarding claim 72, see the discussions above regarding the linear image sensing arrays.

Regarding claim 73, Tani discloses the use of laser light 41 (see col. 4 and descriptions of figure 1 of Tani).

Regarding claims 74-75, see figure 1 of Tani.

Regarding claim 76, see the discussions above. The claim differs in calling for the use of aiming light and respective operations. However, this claimed limitation is not new. Reference to Koenck (cited above) also discloses the conventionality of the aiming lights. Specifically, figures 52 and 45 of Koenck shows an embodiment in of the scanner having flashable light sources and aiming aids such as marker sources. Koenck further discloses the method of disabling non-active scanning components for

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energy conservation which inherently include the steps of disabling the marker sources in the claimed manners.

Regarding claim 78, see figure 3 for the memories of the scanner.

Regarding claims 79-91, all limitations have been discussed above. Specifically, the CCD and the A/D converter are shown in figure 3 of Tani as two separate devices which inherently implying that they are formed on two different integrated circuit chips.

Allowable Subject Matter

Claims 59-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose a bar code reader comprising: a one-dimensional image sensor; the step of capturing and converting the captured into N-bit digital values, decoding the converted valued and further comprising the limitations set for in claims 59-62 such as: the step of comparing the different of a square of gray scale value; the step of associating with a candidate symbol region, etc.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (571) 272-

Art Unit: 2876

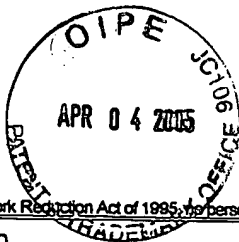
2396. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Le, Thien Minh
Primary Examiner
Art Unit 2876
February 3, 2005



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Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 4

Complete If Known

Application Number	10/328,939
Filing Date	December 23, 2002
First Named Inventor	Andrew Longacre, Jr.
Art Unit	2876
Examiner Name	Le, Thien Minh
Attorney Docket Number	283-361.01

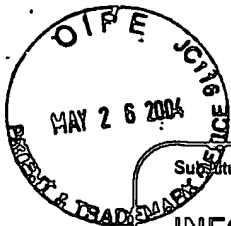
U.S. PATENT DOCUMENTS					
Examiner	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
15	AA	4,721,849	01/26/1988	Davis et al.	
	AB	4,758,717	07/19/1988	Shepard et al.	
	AC	4,760,248	7/26/1988	Swartz, et al.	
	AD	4,774,715	09/27/1988	Messenger	
	AE	4,841,132	08/20/1989	Kajitani et al.	
	AF	4,868,257	09/12/1988	Elliott et al.	
	AG	4,877,949	10/31/1989	Danielson et al.	
	AH	4,845,218	07/31/1990	Tanabe et al.	
	AI	4,984,187	10/18/1990	Kuntzawa et al.	
	AJ	5,010,241	4/23/1991	Butterworth	
	AK	5,019,699	5/28/1991	Koenck	
	AL	5,048,088	09/03/1991	Messenger	
	AM	5,059,778	10/22/1991	Zizykyas et al.	
	AN	5,059,779	10/22/1991	Krichever	
	AO	5,101,408	03/31/1992	Messenger	
	AP	5,132,525	07/21/1992	Swartz	
	AQ	5,208,881	04/27/1993	Messenger et al.	
	AR	5,208,449	05/04/1993	Eastman et al.	
	AS	5,235,187	08/10/1993	Dvorkis et al.	
	AT	5,298,689	3/22/1994	Reddersen et al.	
	AU	5,317,138	05/31/1994	Hasegawa et al.	
	AV	5,331,178	7/19/1994	Sant' Anselmo	
	AW	5,347,113	09/13/1994	Reddersen et al.	
	AX	5,354,977	10/11/1994	Roustaal	
	AY	5,378,883	1/3/1995	Batterman et al.	
	AZ	5,389,917	02/14/1995	LaManna et al.	
	BA	5,398,054	3/7/1995	Krichever et al.	
	BB	5,408,063	04/11/1995	Jelen	
	BC	5,410,141	04/25/1995	Koenck et al.	
	BD	5,440,111	08/08/1995	Eastman et al.	
	BE	5,504,318	04/02/1998	Bridgeall	
	BF	5,504,387	4/2/1998	Arackellian et al.	
	BG	5,510,608	04/23/1998	Worthington et al.	
	BH	5,532,692	07/02/1998	Tatsuya	
16	BI	5,550,384	8/27/1998	Rudeen	
	BJ	5,557,095	09/17/1998	Clark et al.	

Examiner Signature	LE, THIEU	Date Considered	2/5/2005
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet **2** of **4**

Complete If Known

Application Number	10/328,939
Filing Date	December 23, 2002
First Named Inventor	Andrew Longacre, Jr.
Art Unit	2876
Examiner Name	Le, Thien Minh
Attorney Docket Number	283-361.01

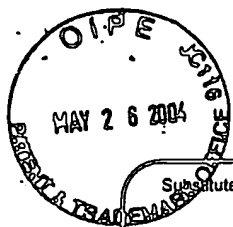
U.S. PATENT DOCUMENTS					
Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
SPM	BK	5,578,529	11/19/1998	Koenck et al.	
	BL	5,579,487	11/28/1998	Meyerson et al.	
	BM	5,591,955	1/7/1997	Laser	
	BN	5,598,007	1/28/1997	Bunce et al.	
	BO	5,610,595	03/11/1997	Garrabrant et al.	
	BP	5,640,001	08/17/1997	Danielson et al.	
	BQ	5,640,684	08/17/1997	Konosu et al.	
	BR	5,644,601	07/01/1997	Kawaguchi	
	BS	5,646,389	07/08/1997	Bravman et al.	
	BT	5,668,803	09/18/1997	Tymes et al.	
	BU	5,672,858	09/30/1977	Yajun Li et al.	
	BV	5,684,290	11/4/1997	Arackellian et al.	
	BW	5,703,349	12/30/1997	Meyerson et al.	
	BX	5,717,221	02/10/1998	Li et al.	
	BY	5,723,868	3/3/1998	Hammond, Jr. et al.	
	BZ	5,734,153	3/31/1998	Swartz et al.	
	CA	5,738,726	04/07/1998	VanHorn et al.	
	CB	5,744,788	04/28/1998	Metlitsky et al.	
	CC	5,754,587	05/19/1998	Kawaguchi	
	CD	5,758,981	05/28/1998	Roustael et al.	
	CE	5,780,834	7/14/1998	Havens et al.	
	CF	5,783,811	7/21/1998	Feng et al.	
	CG	5,788,586	7/28/1998	Pidhirny et al.	
	CH	5,793,903	08/11/1998	Lopresti et al.	
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	CJ	5,801,371	08/01/1998	Kahn et al.	
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	CL	5,804,802	08/08/1998	Card et al.	
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CU	5,841,121	11/24/1998	Koenck		

Examiner Signature	LE, THIEN	Date Considered	2/3/2005
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¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet **3** of **4**

Complete if Known

Application Number	10/328,939
Filing Date	December 23, 2002
First Named Inventor	Andrew Longacre, Jr.
Art Unit	2876
Examiner Name	Le, Thien Minh
Attorney Docket Number	283-361.01

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentes or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
LW	CV	5,848,084		12/08/1998	Cowan	
	CW	5,859,970		01/12/1999	Pleso	
	CX	5,888,338		3/23/1999	Arackellian et al.	
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	CZ	5,912,921		08/15/1999	Warren et al.	
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	DC	5,932,882		08/03/1999	Hussey et al.	
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	DF	5,949,057		9/7/1999	Feng	
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	DX	6,318,835		11/20/2001	Stoner	
	DY	6,321,989 B1		11/27/2001	Witz, Sr. et al.	
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	EA	6,321,892 B1		11/27/2001	Knowles et al.	
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	EE	6,347,743 B2		02/19/2002	Witz, Sr. et al.	
LW	EF	6,389,010 B1		05/14/2002	Kubler et al.	

Examiner
Signature

LE THIEN

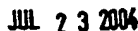
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Complete if Known

Application Number	10/328,939
Filing Date	December 23, 2002
First Named Inventor	Andrew Longacre Jr.
Art Unit	2876
Examiner Name	Le, Thien Minh
Attorney Docket Number	283-361.01

[illegible]

Le Thien

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Filing Date	December 23, 2002
First Named Inventor	Andrew Longacre, Jr.
Art Unit	2876
Examiner Name	Le, Thien Minh
Attorney Docket Number	283-361.01

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
✓	AM	Civil Action No. 03-102-SLR, Complaint, Date January 21, 2003, pages 1-14.	
✓	AN	Civil Action No. 03-102-SLR, Memorandum Order, Date November 14, 2003, pages 1-12.	
✓	AO	Civil Action No. 03-102-SLR, Stipulation and Order, Date December 11, 2003, pages 1-3.	
✓	AP	Civil Action No. 04-003-A, Defendant Symbol Technologies, Inc.'s Amended Answer and Counterclaims, March 8, 2004, pages 1-17.	
✓	AQ	Intermec J7010 Hand-Held Imager User's Manual, Undated, but includes 1995 Copyright Notice, pages 1-A7.	
	AR	WELCH ALLYN, ScanTeam 3000 Series Technical Manual, 3000/TM Rev. E, August 1993 (estimated), pages 1-1 through 5-3.	
	AS	WELCH ALLYN, ScanTeam 3400 Decoded Output Operating Guide and Programming Menu, 3400/DO/UG, Rev. A, August 1994 (estimated), pages 1-1 through 6-3.	
	AT	WELCH ALLYN, ScanTeam 2400 User's Guide, Revision A, December 1995 (estimated), pages 1-52.	
	AU	WELCH ALLYN, ScanTeam 3000 PDF PDF417 Capable CCD Reader Technical Manual, Revision A, November 1995 (estimated), pages 1-1 through 4-22.	
	AV	WELCH ALLYN, ScanTeam 6180 Programming Menu, Revision F, October 1995 (estimated), pages 1-15.	
	AW	WELCH ALLYN, ScanTeam 6180/6280 Wand Technical Manual, Revision E, December 1998 (estimated), pages 1-1 through A-2.	
	AX	Symbol Product Reference Guide, WK 2080 Bar Code Scanning System, Revision B, May 1993, pages 1-P55.	
	AY	Symbol Product LS 4000 Product Reference Guide, Revision A, December 1995, pages 1-1 through 2-65.	
	AZ	Symbol Product 9100 Product Reference Guide, Revision A, November 1995, pages 1-1 through A-8.	
✓	BA	Symbol LS 4800 Series Product Reference Guide, Revision A, May 1996, pages 1-1 through G-1.	

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LE, THIEN

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Sheet 1 of 4

Complete if Known

Application Number	10/328,939
Filing Date	December 23, 2002
First Named Inventor	Andrew Longacre, Jr.
Art Unit	2876
Examiner Name	Thien Minh Le
Attorney Docket Number	283-361.01

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
LE	AA	US-Patent Application No. 09/385,597. Filed August 30, 1999. (Attached is a listing of pending claims)	Filed 08-30-1999	Parker et al.	
	AB	US Patent Application No. 09/748,192. Filed December 21, 2000. (Attached is U. S. Patent Publication No. 2003-0218067 and March 23, 2004 Preliminary Amendment With Pending Claims)	11-27-03	Parker et al.	
	AC	US-Patent Application No. 09/748,427. Filed December 21, 2000. (Attached is U. S. Patent Publication No. 2004-0094627A1, Pending Claims Prior to Withdraw From Issue and Petition to Withdraw From Issue Under 37 CFR 1.313(c)(3))	05-20-2004	Parker et al.	
	AD	US-Patent Application No. 10/227,889. Filed August 28, 2002. (Attached is U. S. Patent Publication No. 2003-0042311 A1 and August 9, 2004 Preliminary Amendment With Pending Claims)	03-08-2003	Longacre et al.	
	AE	US-Patent Application No. 10/328,939. Filed December 23, 2002. (Attached is U. S. Patent Publication No. 2003-0148283 A1 and May 26, 2004 Preliminary Amendment With Pending Claims)	08-07-2003	Longacre et al.	
	AF	US-Patent Application No. 10/339,424. Filed January 9, 2003. (Attached is U. S. Patent Publication No. 2004-0004128 A1, March 23, 2004 Preliminary Amendment With List of Claims Prior to Abandonment and Express Abandonment Response)	01-08-2004	Pettinelli et al.	
	AG	US-Patent Application No. 10/802,539. Filed March 16, 2004. (Attached is August 27, 2004 Preliminary Amendment with the pending claims)	Filed March 16, 2004	Longacre et al.	
LE	AH	US-Patent Application No. 10/801,937. Filed March 16, 2004. (Attached is August 27, 2004 Preliminary Amendment with the pending claims)	Filed March 16, 2004	Longacre et al.	

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Application Number	10/328,939
Filing Date	December 23, 2002
First Named Inventor	Andrew Longacre, Jr.
Art Unit	2876
Examiner Name	Thien Minh Le
Attorney Docket Number	283-361.01

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
LC	AI	US Patent Application No. 10/800,138. Filed March 12, 2004. (Attached are the pending claims)	Filed March 12, 2004	Longacre et al.	
	AJ	US Patent Application No. 10/786,808. Filed February 25, 2004. (Attached is August 27, 2004 Preliminary Amendment with the pending claims)	Filed February 25, 2004	Longacre et al.	
	AK	US Patent Application No. 10/793,423. Filed March 4, 2004. (Attached is August 27, 2004 Preliminary Amendment with the pending claims)	Filed March 4, 2004	Longacre et al.	
	AL	US Patent Application No. 10/778,468. Filed February 13, 2004. (Attached is August 27, 2004 Preliminary Amendment with the pending claims)	Filed February 13, 2004	Longacre et al.	
	AM	US Patent Application No. 10/786,984. Filed February 25, 2004. (Attached is August 27, 2004 Preliminary Amendment with the pending claims)	Filed February 25, 2004	Longacre et al.	
	AN	US Patent Application No. 10/895,538. Filed July 23, 2004. (Attached are the pending claims)	Filed July 23, 2004	Longacre et al.	
	AO	US Patent Application No. 10/887,207. Filed July 8, 2004. (Attached are the pending claims)	Filed July 8, 2004	Longacre	
	AP	US-5,231,293	07-27-1993	Longacre, Jr.	
	AQ	US-5,233,189	08-03-1993	Longacre, Jr.	
	AR	US-5,288,960	02-15-1994	Longacre, Jr. et al.	
	AS	US-5,294,783	03-15-1994	Hammond, Jr. et al.	
	AT	US-5,308,962	05-03-1994	Havens et al.	
	AU	US-5,420,409	05-30-1995	Longacre, Jr. et al.	
	AV	US-5,430,286	07-04-1995	Hammond, Jr. et al.	
	AW	US-5,483,214	10-31-1995	Longacre, Jr. et al.	
	AX	US-5,479,515	12-28-1995	Longacre, Jr.	
	AY	US-5,591,958	01-07-1997	Longacre, Jr. et al.	
	AZ	US-5,723,853	03-03-1998	Longacre, Jr. et al.	
	BA	US-5,773,808	08-30-1998	Longacre, Jr.	
LC	BB	US-5,773,810	08-30-1998	Hussey et al.	

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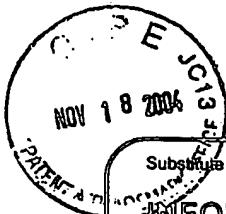
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Application Number	10/328,939
Filing Date	December 23, 2002
First Named Inventor	Andrew Longacre, Jr.
Art Unit	2876
Examiner Name	Thien Minh Le
Attorney Docket Number	283-361.01

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Examiner	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
LM	BC	US-5,825,008		10-20-1998	Longacre, Jr. et al.	
	BD	US-5,900,813		05-04-1999	Kozio et al.	
	BE	US-5,914,478		08-22-1999	Gerst III, et al.	
	BF	US-5,929,418		07-27-1999	Ehrhart et al.	
	BG	US-5,932,882		08-03-1999	Hussey et al.	
	BH	US-5,942,741		08-24-1999	Longacre, Jr. et al.	
	BI	US-5,949,052		09-07-1999	Longacre, Jr. et al.	
	BJ	US-5,965,883		10-12-1999	Parker et al.	
	BK	US-6,018,135		01-18-2000	Biss et al.	
	BL	US-6,284,105		07-24-2001	Longacre, Jr. et al.	
	BM	US-6,298,175		10-02-2001	Longacre, Jr. et al.	
	BN	US-6,298,178		10-02-2001	Longacre, Jr. et al.	
	BO	US-6,491,223		12-10-2002	Longacre, Jr. et al.	
	BP	US-6,581,428		05-13-2003	Meier et al.	
	BQ	US-6,575,387		08-10-2003	Longacre, Jr.	
	BR	US-6,578,788		08-17-2003	Parker et al.	
	BS	US-6,855,585		12-02-2003	Longacre, Jr. et al.	
	BT	US-6,898,858		03-02-2004	Parker et al.	
	BU	US-6,722,589		04-20-2004	Ehrhart et al.	
	BV	US-6,814,280		11-09-2004	Longacre	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 4

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Art Unit	2876
Examiner Name	Thien Minh Le
Attorney Docket Number	283-361.01

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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
WZ	BW	www.DELPHION.COM. Internet Search of U. S. 5,985,883 Optical Reader System Comprising Local Host Processor And Optical Reader. "Patent Family" Internet Search Dated November 15, 2004 (7 Pgs.) U. S. Patent Application No. 08/839,020.	
I	BX	www.DELPHION.COM. Internet Search of U. S. 2003-0042311A1 Autodiscriminating Optical Reader. "Patent Family" Internet Search Dated November 15, 2004 (4 Pgs.) U. S. Patent Application No. 10/227,889.	
I	BY	www.DELPHION.COM. Internet Search of U. S. 20030148283A1 Autodiscriminating Optical Reader. "Patent Family" Internet Search Dated November 15, 2004 (4 Pgs.) U. S. Patent Application No. 10/328,939.	
BM	BZ	www.DELPHION.COM. Internet Search of U. S. 2003-0218087A1 Reprogrammable Optical Reader. "Patent Family" Internet Search Dated November 15, 2004 (4 Pgs.) U. S. Patent Application No. 09/746,192.	
BM		NOTE: The above four DELPHION Internet Searches summarize reference data identifying US and Foreign patent references related to the present application.	

Examiner Signature	LE THIEN	Date Considered	2/3/2005
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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Notice of References Cited	Application/Control No. 10/328,939	Applicant(s)/Patent Under Reexamination LONGACRE ET AL.	
	Examiner Thien M. Le	Art Unit 2876	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,606,171	08-2003	Renk et al.	358/475
	B	US-6,452,179	09-2002	Coates et al.	250/339.09
	C	US-6,377,249	04-2002	Mumford, John R.	345/179
	D	US-6,011,880	01-2000	Tani et al.	382/312
	E	US-5,837,987	11-1998	Koenck et al.	235/462.27
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	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.